UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,099	09/28/2005	Atsushi Tanno	OGW-0391	1690

7590 03/09/2010

Patrick G. Burns
Greer, Burns & Crain, Ltd.
Suite 2500
300 South Wacker Drive
Chicago, IL 60606

EXAMINER	
FISCHER, JUSTIN R	

ART UNIT	PAPER NUMBER
1791	

MAIL DATE	DELIVERY MODE
03/09/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/551,099	TANNO, ATSUSHI	
	Examiner	Art Unit	
	Justin R. Fischer	1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 March 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13 and 17-20* is/are rejected.

7)☒ Claim(s) *14-16* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 1, 2010 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 2, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mama (JP 11-34610, of record) and further in view of Kojima (JP 58167203, of record).

Mama is directed to a pneumatic tire construction comprising at least two belt plies 5a,5b and a belt cover ply 6 formed of circumferentially-oriented cords (Figure 3). The reference further teaches that the axial outer ends of said belt cover ply are spaced from the respective axial outer ends of the outermost belt ply 5b by an amount “b” between 15 and 40 mm (Abstract). Based on this disclosure, one of ordinary skill in the art at the time of the invention would have expected the separation between the ends of

layer 5a and the belt cover ply to be at least 10 mm (belt ends are extremely close to one another).

In regards to radial separation of the respective axial ends, the reference generally depicts the axial ends of the belt cover ply and the belt plies as being relatively close to one another- such an arrangement is seen to constitute a radial separation that is "substantially" equal to 0. It is emphasized that the claims fail to define the distance "substantially" equally to 0 in a manner that defines over the structure of Mama.

Lastly, with respect to the independent claim, Mama is completely silent with respect to the coating rubber of the belt cover ply. Kojima, on the other hand, suggests the use of a coating rubber for belt plies having a loss factor or tangent delta greater than 0 and less than 0.10 in order to eliminate the occurrence of fatigue and deterioration commonly experienced during running (Abstract). In this instance, a fair reading of Kojima suggests that the coating rubber is broadly applicable for all belt plies since the disclosed benefits are equally applicable to the general class of belt plies (working plies and protective plies). Thus, one of ordinary skill in the art at the time of the invention would have found it obvious to use a coating rubber having a loss factor less than 0.1 in the belt cover ply of Mama.

Regarding claim 2, the claim language is directed to the method in which the belt cover ply is formed and thus does not further define the structure of the claimed tire. Furthermore, it is well recognized that belt cover plies are commonly formed by partially

overlapping adjacent coils (consistent with the conventional structure of belt cover plies).

As to claim 17, Mama is broadly directed to tires for pneumatic vehicles and such would include passenger car tires.

4. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mama and Kojima as applied in claim 1 above, respectively, and further in view of Mochida (JP 02074403, of record) and Yamamoto (JP 06092108, of record).

As detailed above, Mama in view of Kojima substantially teach the claimed tire construction, including an outermost belt cover ply that extends beyond underlying belt plies. While Mama fails to include a belt edge cushion rubber layer, it is extremely well known to include such a cushion layer in order to eliminate the buildup of stresses in the shoulder region, as shown for example by Mochida (reference character 21- Page 4, 2nd Column) and Yamamoto (Abstract and Figures). It is particularly noted that Mochida and Yamamoto (Figure 1) are directed to an extremely similar tire construction in which an outermost belt cover ply extends beyond underlying belt plies. Absent any conclusive showing of unexpected results, one of ordinary skill in the art at the time of the invention would have found it obvious to include a conventional belt edge cushion rubber layer in the tire of Mama.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mama, Kojima, Mochida, and Yamamoto as applied in claim 3 above and further in view of Motomura (US 5,215,612, of record).

While Mochida provides motivation to include a belt edge cushion rubber in the tire of Mama, the reference is completely silent with respect to the loss factor or tangent delta of the cushion rubber. Motomura, on the other hand, recognizes the known use of rubber compositions having a tan delta between 0.07 and 0.15 for similar belt edge cushion rubber layers (Column 3, Lines 45-55)- such a rubber is recognized as providing suitable reinforcement without generating/accumulating heat. One of ordinary skill in the art at the time of the invention would have found it obvious to use a rubber having a tangent delta below 0.15 to form the cushion rubber of Mama in view of Kojima and Mochida for the reasons detailed above. Lastly, while the tangent delta is recorded at room temperature, those compositions having a tangent delta at the lower end of the range would not be expected to more than double with an increase of 40 degrees Celsius and applicant has not provided a conclusive showing of unexpected results to establish a criticality for the claimed range.

6. Claims 1, 2, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi and further in view of Kojima.

As best depicted in Figure 1, Yamaguchi teaches a pneumatic tire construction including a pair of belt plies 4 and an outermost belt cover ply 5. The reference further depicts the axially outer ends of said cover ply as being slightly inward (in the radial direction) of the ends of innermost belt ply 4- such a disclosure appears to satisfy the claimed invention in which the radial separation is “substantially” equal to 0. It is emphasized that the respective ends are depicted as being extremely close to one another (in the radial direction) and one of ordinary skill in the art at the time of the

invention would have recognized such a disclosure as including embodiments that satisfy the language of the claimed invention.

Regarding the axial separation, Figure 1 clearly depicts such a separation between the respective ends. Given the general disclosure of Yamaguchi, one of ordinary skill in the art at the time of the invention would have found it obvious to use a wide variety of arrangements, including those detailed by the claimed invention. It is further noted that (a) the claims are directed to absolute dimensions and it is well recognized that tire dimensions are highly dependent on tire seizes (larger tires generally have larger dimensions) and (b) the claims define an extremely broad range of separation values. Absent any conclusive showing of unexpected results, one of ordinary skill in the art at the time of the invention would have found it obvious to separate the respective ends by at least 10 mm.

Lastly, with respect to independent claim 1, Yamaguchi is completely silent with respect to the coating rubber of the belt cover ply. Kojima, on the other hand, suggests the use of a coating rubber for belt plies having a loss factor or tangent delta greater than 0 and less than 0.10 in order to eliminate the occurrence of fatigue and deterioration commonly experienced during running (Abstract). In this instance, a fair reading of Kojima suggests that the coating rubber is broadly applicable for all belt plies, including belt cover plies, since the disclosed benefits are equally applicable to the general class of belt plies (working plies and protective plies). Thus, one of ordinary skill in the art at the time of the invention would have found it obvious to use a coating rubber having a loss factor less than 0.1 in the belt cover ply of Yamaguchi.

Regarding claim 2, the claim language is directed to the method in which the belt cover ply is formed and thus does not further define the structure of the claimed tire. Furthermore, it is well recognized that belt cover plies are commonly formed by partially overlapping adjacent coils (consistent with the conventional structure of belt cover plies).

As to claim 17, Yamaguchi is broadly directed to tires for pneumatic vehicles and such would include passenger car tires.

7. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi and Kojima as applied in claim 1 above and further in view of Mochida and Yamamoto.

As detailed above, Yamaguchi in view of Kojima substantially teach the claimed tire construction, including an outermost belt cover ply that extends beyond underlying belt plies. While Mama fails to include a belt edge cushion rubber layer, it is extremely well known to include such a cushion layer in order to eliminate the buildup of stresses in the shoulder region, as shown for example by Mochida (reference character 21- Page 4, 2nd Column) and Yamamoto (Abstract and Figures). It is particularly noted that Mochida and Yamamoto (Figure 1) are directed to an extremely similar tire construction in which an outermost belt cover ply extends beyond underlying belt plies. Absent any conclusive showing of unexpected results, one of ordinary skill in the art at the time of the invention would have found it obvious to include a conventional belt edge cushion rubber layer in the tire of Mama.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi, Kojima, Mochida, and Yamamoto as applied in claim 3 above and further in view of Motomura.

While Mochida and Yamamoto provide motivation to include a belt edge cushion rubber in the tire of Yamaguchi, the reference is completely silent with respect to the loss factor or tangent delta of the cushion rubber. Motomura, on the other hand, recognizes the known use of rubber compositions having a tan delta between 0.07 and 0.15 for similar belt edge cushion rubber layers (Column 3, Lines 45-55)- such a rubber is recognized as providing suitable reinforcement without generating/accumulating heat. One of ordinary skill in the art at the time of the invention would have found it obvious to use a rubber having a tangent delta below 0.15 to form the cushion rubber of Yamaguchi in view of Kojima, Mochida, and Yamamoto for the reasons detailed above. Lastly, while the tangent delta is recorded at room temperature, those compositions having a tangent delta at the lower end of the range would not be expected to more than double with an increase of 40 degrees Celsius and applicant has not provided a conclusive showing of unexpected results to establish a criticality for the claimed range.

9. Claims 1, 6, 8, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Serra (WO 2002/26878, of record) and further in view of Yamaguchi, Mama, and Kojima.

As best depicted in Figure 1, Serra is directed to a pneumatic tire construction comprising a pair of belt plies 106a, 106b, and under tread rubber layer 111, a cap tread

rubber layer 111, and a wing chip rubber layer 110. It is further noted Serra suggests the inclusion of a belt cover ply 106c.

While the belt cover ply of Serra is depicted as having an axial extent approximately equal to the width of the underlying belt structure, the reference fails to place a criticality on the axial extent of the belt cover ply (layer described as being optional). It is well known to arrange the belt cover ply such that it extends beyond the ends of the underlying belt structure in order to ensure complete protection of the underlying belt structure, as shown for example by Yamaguchi and Mama. In particular, the belt cover ply of Mama is described as extending beyond the belt ends by a distance between 15 and 40 mm. It is further noted that Mama suggests that such a construction (for the belt ply) reduces road noise, which would be desirable in all tire constructions. It is emphasized that Serra places no criticality on the axial extent of the belt cover ply and applicant has not provided a conclusive showing of unexpected results.

Also, in such an instance, the ends of the belt cover ply and the underlying belt structure are not separated by a substantial radial distance and one of ordinary skill in the art at the time of the invention would have expected the tire of Serra to satisfy the claimed range, it being noted that the claimed quantitative relationship is a function of the tire section height, which varies between types of tires (heavy-load tires and agricultural tires have larger section heights)- this suggests that the claimed quantitative relationship is even more likely to be satisfied in the tire of Serra.

Lastly, with respect to the independent claim, Serra is completely silent with respect to the coating rubber of the belt cover ply. Kojima, on the other hand, suggests the use of a coating rubber for belt plies having a loss factor or tangent delta greater than 0 and less than 0.10 in order to eliminate the occurrence of fatigue and deterioration commonly experienced during running (Abstract). In this instance, a fair reading of Kojima suggests that the coating rubber is broadly applicable for all belt plies since the disclosed benefits are equally applicable to the general class of belt plies (working plies and protective plies). Thus, one of ordinary skill in the art at the time of the invention would have found it obvious to use a coating rubber having a loss factor less than 0.1 in the belt cover ply of Serra.

With respect to claim 8, Serra depicts the radially inner end of the wing chip rubber in the shoulder portion of the tire. Given such a general disclosure, one of ordinary skill in the art at the time of the invention would have readily appreciated a wide variety of embodiments, including those in which respective components are separated by at least 10 mm. It is emphasized that Serra fails to place a criticality on the axial separation and the figures of Serra generally depict a separation that would be expected to be on the order of 10 mm. Lastly, applicant has not provided a conclusive showing of unexpected results to establish a criticality for the claimed separation.

As to claim 17, Serra is broadly directed to tires for pneumatic vehicles and such would include passenger car tires.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Serra, Yamaguchi, Mama, and Kojima as applied in claim 6 above and further in view of Kan (US 4,444,236, of record) and Haneda (JP 07257116, of record).

As detailed above, Serra discloses a pneumatic tire construction comprising a cap tread layer and a base tread layer (undertread). While the reference fails to expressly disclose the respective loss factors (tangent delta) for each layer, Kan teaches a similar cap/base assembly and suggests a loss factor relationship in accordance to the claimed invention. In particular, such a construction provides a tire that is balanced in rolling resistance and wet grip (Column 1, Lines 1-20 and Tables 1-3). It is emphasized that each of the inventive cap/base assemblies listed in table 3 satisfies the quantitative relationship of the claimed invention. It is further noted that while the tangent delta is recorded at 30 degrees Celsius, the listed compositions would not be expected to more than double with an increase of 30 degrees Celsius and applicant has not provided a conclusive showing of unexpected results to establish a criticality for the claimed range. Haneda has been further provided to evidence the use of rubber compositions (for wing chip rubber layers) having a relatively low tangent delta in order to reduce the rolling resistance. As such, one of ordinary skill in the art at the time of the invention would have found it obvious to form the wing chip rubber layer and the tread base layer in accordance to the claimed invention.

11. Claims 1, 2, 9, 10, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosoya (JP 2001-310604, newly cited) and further in view of Kojima.

As best depicted in Figure 3, Hosoya teaches a pneumatic tire construction including a pair of belt plies 20 A and 20 B and a belt cover ply or structure, wherein said structure is defined by a main belt cover section 22B disposed radially outwardly of said belt plies and a pair of belt cover extension sections 22A disposed radially inwardly of said main belt cover section. It is further evident from Figure 3 that the axially inner ends of said belt cover extension sections are positioned radially inward of the outermost belt ply 20B.

It is additionally noted that one of the critical aspects of Hosoya appears to be the width of said belt cover extension section (Paragraph 15). Hosoya suggests that it can have a width as large as 40% of the width of the widest width belt ply 20A. The reference further teaches that extension section 22A is designed to cover the outer end of belt ply 20A, while said main cover section 22A is designed to cover the outer end of outer belt ply 20 (Abstract). As such, one would have readily appreciated an arrangement in which extension section 22A extends axially outward of respective ends of the main belt cover section. It is emphasized that main belt cover 22A simply needs to cover the ends of outermost belt ply 20B, while belt cover extension section needs to cover the ends of innermost belt ply 20A, which is wider than said outermost belt ply.

With further respect to the belt cover extension section, Hosoya teaches that the axially outer end e is spaced by a distance “C-f” from the axially outer end of the outermost belt ply 20B (Figure 1). Additionally, distance "C" is equal to 5-40% of the width of the innermost belt ply 20A (Paragraph 15). Given the general dimensions of tire belt plies and the broad range for the width of the belt cover extension section, one

having ordinary skill in the art at the time of the invention would have found it obvious to include an axial separation of at least 10 mm absent any conclusive showing of unexpected results.

Additionally, the reference depicts the axially outer ends of said extension section as being slightly inward (in the radial direction) of the ends of the innermost belt ply and such a disclosure appears to satisfy the claimed invention in which the radial separation is less than 0.015 times the tire section height. It is emphasized that the respective ends are depicted as being extremely close to one another and one of ordinary skill in the art at the time of the invention would have recognized such a disclosure as including embodiments that satisfy the range of the claimed invention.

Lastly, regarding independent claim 9, Hosoya is completely silent with respect to the coating rubber of the belt cover ply. Kojima, on the other hand, suggests the use of a coating rubber for belt plies having a loss factor or tangent delta greater than 0 and less than 0.10 in order to eliminate the occurrence of fatigue and deterioration commonly experienced during running (Abstract). In this instance, a fair reading of Kojima suggests that the coating rubber is broadly applicable for all belt plies since the disclosed benefits are equally applicable to the general class of belt plies (working plies and protective plies). Thus, one of ordinary skill in the art at the time of the invention would have found it obvious to use a coating rubber having a loss factor less than 0.1 in the belt cover ply of Hosoya.

Regarding claims 2 and 10, the claim language is directed to the method in which the belt cover structure/ply is formed and thus does not further define the structure of

the claimed tire article (finished article). It is additionally noted that belt cover plies are commonly formed by partially overlapping adjacent coils (consistent with conventional structure of belt cover plies).

As to claims 17 and 18, Hosoya is directed to a passenger car construction.

Regarding claim 20, at a minimum, the radially inner edges of the belt cover extension sections are positioned radially inwardly of the respective belt plies and the claims as currently drafted do not require that the entire section have the claimed arrangement.

12. Claims 3, 5, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosoya and Kojima as applied in claims 1 and9 above and further in view of Mochida (JP 02074403, of record) and Yamamoto (JP 06092108, of record).

As detailed above, Hosoya in view of Kojima substantially teach the claimed tire construction, including an outermost belt cover ply that extends beyond underlying belt plies. While Mama fails to include a belt edge cushion rubber layer, it is extremely well known to include such a cushion layer in order to eliminate the buildup of stresses in the shoulder region, as shown for example by Mochida (reference character 21- Page 4, 2nd Column) and Yamamoto (Abstract and Figures). It is particularly noted that Mochida and Yamamoto (Figure 1) are directed to an extremely similar tire construction in which an outermost belt cover ply extends beyond underlying belt plies. Absent any conclusive showing of unexpected results, one of ordinary skill in the art at the time of the invention would have found it obvious to include a conventional belt edge cushion rubber layer in the tire of Hosoya.

13. Claims 4 and 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosoya, Kojima, Mochida, and Yamamoto as applied in claims 3 and 11 above and further in view of Motomura (US 5,215,612, of record).

While Mochida provides motivation to include a belt edge cushion rubber in the tire of Hosoya, the reference is completely silent with respect to the loss factor or tangent delta of the cushion rubber. Motomura, on the other hand, recognizes the known use of rubber compositions having a tan delta between 0.07 and 0.15 for similar belt edge cushion rubber layers (Column 3, Lines 45-55)- such a rubber is recognized as providing suitable reinforcement without generating/accumulating heat. One of ordinary skill in the art at the time of the invention would have found it obvious to use a rubber having a tangent delta below 0.15 to form the cushion rubber of Hosoya in view of Kojima and Mochida for the reasons detailed above. Lastly, while the tangent delta is recorded at room temperature, those compositions having a tangent delta at the lower end of the range would not be expected to more than double with an increase of 40 degrees Celsius and applicant has not provided a conclusive showing of unexpected results to establish a criticality for the claimed range.

Allowable Subject Matter

14. Claims 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

15. Applicant's arguments filed March 1, 2010 have been fully considered but they are not persuasive.

Applicant argues that terminal edges of the cover layers are separated from terminal edges of the underlying belt layer by a relatively large radial distance that is larger than “substantially 0”. First, the metes and bounds of the term “substantially” are not defined by the original disclosure and as such, it is unclear how the separation of Mama cannot be viewed as being "substantially" 0. Second, it is the examiner’s position that the separation is not depicted as being a relatively larger radial distance.

Regarding claims 9-13 and 18-20, the rejections with Mama have been withdrawn in light of applicant’s amendments.

As to Yamaguchi, applicant similarly argues that there is a substantial radial distance between the edges of the belt reinforcing layer 5 and the edges of the belt layers 4 and such is not "substantially 0". The examiner respectfully disagrees. Figure 1 depicts respective ends as being extremely close to one another (in the radial direction) and it is unclear how such an arrangement cannot be viewed as being "substantially" 0.

Regarding claims 9, 10, and 18-20, the rejections have been withdrawn in light of applicant’s amendments.

With respect to Serra, applicant contends that the reference fails to suggest or disclose a tire radial direction length h between edges of the extension portions and

edges of the belt ply is substantially equal to 0. It is initially noted that the metes and bounds of the term "substantially" are not defined by the original disclosure.

As detailed in the rejection above, Serra optionally describes the inclusion of a belt cover ply. Additionally, the reference fails to place any criticality on the axial extent of the belt cover ply. In view of Yamaguchi and Mama, however, it is well known to arrange belt cover plies so that they extend beyond ends of underlying belt plies in order to ensure complete protection of said structure. In particular, the belt cover ply of Mama is described as extending beyond the belt ends by a distance between 15 and 40 mm. It is further noted that Mama suggests that such a construction (for the belt ply) reduces road noise, which would be desirable in all tire constructions. It is emphasized that Serra places no criticality on the axial extent of the belt cover ply and applicant has not provided a conclusive showing of unexpected results.

Regarding independent claim 9 (and dependent claims therefrom), the rejections have been withdrawn in light of applicant's arguments.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Justin Fischer
/Justin R Fischer/
Primary Examiner, Art Unit 1791
March 5, 2010